



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
MARCH 7, 2016**

The Special meeting Questions to Directors of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, March 7, 2016 at 6 p.m.

Present

Deputy Mayor Robert P. Santangelo and Council Members Eugene P. Nocera, Thomas J. Serra, Mary A. Bartolotta, Gerald E. Daley, Carl R. Chisem, Robert Blanchard, Grady L. Faulkner, Jr., Sebastian N. Giuliano, Deborah Kleckowski and Linda Salafia; Sergeant-at-arms Police Chief William McKenna; and Common Council Clerk Marie O. Norwood.

Absent

Mayor Daniel T. Drew; Council Member Philip J. Pessina and Corporation Counsel Daniel B. Ryan.

Also Present

Public Works Director William Russo, Finance Director Carl Erlacher, Acting Director of IT Eldon Bailey, Water and Sewer Director Guy Russo, Parking Director Geen Thazhampallath, City Attorney Brig Smith, chief of Police William McKenna, Deputy Chief of Police Michael Timbro, Acting Parks and Recreation Acting Director Deb Stanley, Tax Assessor Damon Braasch, Fire Chief Robert Kronenberger, Director of Communications Wayne Bartolotta, Planning, Conservation and Development Director Michiel Wackers, Director of Human Relations Faith Jackson Arts Coordinator Stephan Allison, City and Town Clerk Linda Bettencourt, Emergency Management Director George Dunn, Youth Services Coordinator Justin Carbonella, and ten members of the public.

1. Mayor calls meeting to order.

(Pledge of Allegiance)

The Acting Chair calls the meeting to order at 6:00 and leads the public in the Pledge of Allegiance.

(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

The Acting Chair requests the Clerk to read the call of the meeting; it is read and the Acting Chair declares the call a legal call and the meeting a legal meeting.

2. Questions to Directors Opens

The Acting Chair opens the questions to directors workshop at 6:03 p.m. Councilman Serra is recognized and he asks for General Counsel, Brig Smith to come forward to discuss agenda item 8I; he states he is on the subcommittee of the Mattabassett Building Committee and relative to the railroad and flagmen, did you research this in a sense of having a flag man on a railroad that is not used and did you research this about the regulation. Attorney Smith states yes he did about the flagman and they allowed for the policy of the railroad to set a higher ceiling and there is a dispute as to when a flagman is required whether by policy or regulation. Councilman Serra asks did you find out what authority they need a flagman on a railroad that is not used. Attorney Smith responds it is in the regulation. Councilman Serra states they never made it known to us. They are charging us a flagman for a railroad not in use. Attorney Smith states he has to be circumspect and they are looking at legal action to challenge this and he will be circumspect. The City raised that question and they cited CFR regulation and we disagree with their contention. The railroad would have closed the job down costing the City \$30,000 to \$50,000 a day. Councilman Serra states they understood that. You did not answer my question relative to the flagmen. Why did you circumvent the committee and he asked the Finance Director what authorization he got to pay this. I got a two line response. This did not come through the committee. By ordinance, the committee is not advisory. Attorney Smith states the charter states they are advisory. Councilman Serra states these committees shouldn't pay the bills, but the executive branch should take care of all this. Attorney Smith states the charter is above it. He states they are advisory in nature. Councilman Serra asks why is it in the ordinance. It says advisory in nature unless empowered by the ordinance. He states so any building committees are advisory and everything has to go through the executive branch to pay the bills. Attorney Smith states under Council's agenda item 9, it states any review to approve all city bills and has no power or meaning; it is a vestige. It does not mean the council has the power to review; it doesn't mean they can do that. He states the contract is with the city and not the building committee and the administration can intervene. Councilman Serra states you are telling the council for over 40 years we have been doing it wrong. Attorney Smith states not so broadly but it is the case. Councilman Serra states by the ordinance, we have the power to pay bills and I do not recall any executive branch involved and we were working on this problem and then you circumvented the process. Attorney Smith replies I authorized the payment so the job would not be shut down. Councilman Serra asks why was the committee not made aware of this; Attorney Smith replies you were, it is here tonight.

Councilman Serra responds not before payment. Attorney Smith states bill paying power cannot be advisory in nature; that ordinance cannot unilateral not pay a bill when it means the job will be shut down. Councilman Serra reads the ordinance for duties of the building committee. Attorney Smith states the charter states committees pay bills per ordinance. Councilman Serra states we were trying to work this out with good people and we got circumvented. Should we all resign and let the executive branch do the work. Attorney Smith states it is the executive prerogative to pay a bill. Councilman Serra states the committee was not aware of this; but they were aware that there was a problem with the flagmen and we wanted to work it out and we knew they should have got x amount and we were in negotiation. It went to you and you got involved and we would rather have had a friendly negotiation and we were not aware of your meeting until we saw the bill paid. Attorney Smith states staff referred this to Legal. Councilman Serra states we tried to negotiate this and when this happened and we tried to get the individual to help us and have the letter written it didn't happen. It should not be thrown at the committee that we did something wrong and you had to pay the bill. Councilman Serra states in order to have building committees so there is no micromanaging, what has to be done to the ordinance. Attorney Smith states we should clean up the section on powers and duties. Councilman Serra states this needs to be done; the city was circumvented. We were working on this with good faith.

Councilman Giuliano states the expenditure of funds is core council; Attorney Smith replies the core is the appropriation but not expenditure. Councilman Giuliano states can the appropriation have restrictions; Smith will have to look at it. Councilman Giuliano states the ordinance states you have to go through a building committee that is a clearing house and what is troubling to us, the decision was made without a call to the chair or the subcommittee that deals with situations like this and they were not notified that this would happen and that is distressing. There might have been a thought process that the Mayor was not aware of and had he called, it could have been part of the process. If that had happened the committee would not have felt circumvented. We know there is a problem with Worcester.

Councilman Daley states he is confused at this point; I don't recall any opinion regarding agenda item 9, payment of all bills. It surprises me that the Council shouldn't be doing it and I am on other boards and they make similar motions and then it is up to the executive branch to pay the bills. I would like to see the opinion. The building committee ordinance says review and pay bills when warranted and I have always thought the where warranted is a qualified on payment and the committee wouldn't do that without it being warranted. The committee pays the bills that are warranted. If you look at the charter, there is another line that powers and committees are set by ordinance and that is the understanding that building committees pay the bills and they go to Finance and Government. That does not mean that after the bills are approved, it doesn't mean that the mayor and finance director would not check them and then pay them. You are asking people to take a lot of responsibility and then giving them very little authority. Attorney Smith states that is a discussion at GCC. Councilman Daley states it would be constructive for the council and citizens in these circumstances, there was a critical situation whereby the city would incur significant expense and a work stoppage. Attorney Smith states the costs would have exceeded greatly the bill. Charter versus ordinance it is true the committees commission shall be advisory and prescribed by ordinance and the charter also states the ordinances shall not diminish the powers of the mayor. Councilman Daley states building committees by definition are not advisory of limited duration. Attorney Smith states the council committees are advisory in nature. Councilman Daley states the Mayor and or Finance director would have the authority to not necessarily pay a bill. He states reviewing and paying bills is a key function of the building committee.

Councilman Nocera states he serves on two building committees and his experience is it is a routine matter to pay the bills. There should be something in the document that would address a situation like this. Perhaps the building committee can approve the payment and there are conditions where it can't be reviewed by the committee. Attorney Smith states it is a good suggestion.

Councilman Giuliano discusses the building committee opinion on the Parks bond. I know the Public Works and Facilities commission could be the building committee. The question whether a building committee is required at all, who raised that question. Attorney Smith states he believes it was the administration. He remembers discussion from various individuals.

Councilman Serra states, to clarify, the subcommittee was working on this and asked the director to make the Mayor aware of this. There was a letter to DEEP and the flagmen. That would have taken us to a friendlier discussion and that did not happen. The subcommittee was ready to negotiate this as well as to talk about something DEEP was requiring and it would cost more money with these individuals. That was not done. The thought of the committee not doing its job, that is not true. We were ready to negotiate this. The council should be aware of this. He states back to the opinion relative to building committees. Building committees are necessary and changes are necessary. For the two years talking about the parks bond, the condition was that it be phased in over ten years with various components. To have one building committee for that is absurd. It should take into consideration the thought of the council. When you do "due diligence" about the building committee relative to phased in over ten years; there are various things unrelated like Pat Kidney Field and the Riverfront, six new fields, Vet's Park. The bike trails and walk trails. They are all separate. Consideration should be given to appoint people with expertise with whatever the project would be. The intent of the parks bond should not be one committee, it should, in my opinion, be at least 4.

Acting Chair calls Chief Kronenberger forward and George Dunne, Emergency Management Director. Deputy Mayor Santangelo states we have a motion to rescind the Deputy Fire Chief's job description

and last month we talked about Firefighter 4 and what that means. Chief Kronenberger states Firefighter 4 is natural progression in firefighting and it is national. Three and four are designed for Fire Officers. He discusses the topics of Fire Officer 3 and Fire Officer 4 and that it leads to management. It is an in-depth course. Fire Officer 4 ends with a project taking in all the areas. This is specific to firefighters.

Noted for the Record

Councilwoman Bartolotta takes her seat at 6:39 p.m.

Fire Chief Kronenberger states this is the best way to go with the officers he has on hand. The previous 3 fire chiefs did not have the education. His young core of officers do not need education. I don't want to have to go out; I want to hire and pick my succession. Deputy Mayor Santangelo asks about the program and would refer questions to George Dunn. George Dunn this is new to that job description; many areas of the country are up to speed with fire officer qualifications but in Connecticut through the CT fire academy, the fire officers 1, 2, 3, and 4 has been put in place. The program is only open to Fire Chiefs and gets into the areas mentioned. One is a teaching plan and the emergency management component. When you look at emergency management you are looking at community preparedness. The strategic plan takes a year and if they do not do it, they will not be certified. They have to work with all internal, external and legislative staff. It pulls the community into it. The results would have a lot of information you want and provides a 10 year strategic plan as a working document. Certain portions of the document have to be reviewed yearly. We have the opportunity to see it come to fruition and I don't know of any department that has a strategic plan. We have now people who have worked through the ranks and can do that. It will benefit you. It is critical. That is a proponent for the position. If what is in the description doesn't come to fruition, it will stop any movement in the department. Why move up levels. We need to create a successful career ladder.

Noted for the Record

Councilman Faulkner takes his seat at 6:46 p.m.

Mr. Dunn states we need to move forward with this.

Councilman Serra asks for Chief Kronenberger. He states under the old job description are their individuals qualified. Chief Kronenberger states yes there were. Councilman Serra asks if there were individuals eligible. Chief Kronenberger states one.

Councilman Giuliano asks is it within the authority to waive a requirement for a particular recruitment. Chief Kronenberger responds he doesn't know. Councilman Giuliano states you were; the Council waived the residency. Councilman Giuliano asks question and the Fire Chief responds he took a page from the Police Department and he did what they did. Councilman Giuliano states he doesn't want a permanent change for a temporary problem.

Councilman Daley states if the new job description approved last month in addition to inserting Firefighter 4 and eliminated the bachelor's degree and people who didn't have a bachelor's degree had enough experience. In addition to that the new job description has changes in terms of requiring completion incident management. Chief Kronenberger states he did that for the deputy and the fire chief. Councilman Daley states the incident management is required by the federal government. If we revert back to the old job description that won't be in there, Chief Kronenberger states yes. Councilman Daley states since the reviewed job description as approved what has transpired with the recruitment process. Chief Kronenberger states it was posted and closes tomorrow. Councilman Daley states so people have applied and an appointment could be made quickly. Chief Kronenberger states he assumes it needs to be posted again, but Personnel needs to be the one to answer that. Councilman Chisem states to George Dunn in your experience have you seen this type of change in other towns or cities. Mr. Dunn states he has worked with many departments and towns and what he has stressed is that they meet standards.

Councilman Nocera states to follow up on your question, I had the opportunity to address questions on the training for Firefighter 4 and he indicated to me it can be much more common place and he is for this process that it brings in the expertise.

Councilman Blanchard states he is curious why the change warrants the raise. Chief Kronenberger states it does sound counterproductive. I believe the proposed increase was \$3,000 and will bring it up to \$109,000 or \$110,000; the Chief Battalion Leaders make that with overtime and the Deputy will not be able to collect overtime. He did what he did as the Deputy Police Chief job. Out of the average salary for battalion chief was \$127,000. We are asking someone to leave shift, where they work one out of 4 to work 5 days a week with call back.

3. Questions to Directors Closes.**4. Meeting adjourned.**

Councilman Giuliano moves to adjourn and his motion is seconded by Councilwoman Kleckowski. The vote is unanimous. The Acting Chair adjourns the meeting at 6:56 p.m.

ATTEST:
MARIE O. NORWOOD
COMMON COUNCIL CLERK